

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE**

Comcast of Maine/New Hampshire, Inc.

v.

Civil No. 06-cv-142-JM

Joseph F. Slater, Jr.

**O R D E R**

A settlement conference was scheduled on September 18, 2006 at 10:30 a.m. Mr. Slater appeared on time. Mr. McLaughlin never showed up. Mr. Shapiro showed up 40 minutes late and only after he was called at home. He had no file and no knowledge of the underlying facts.

Mr. Shapiro is sanctioned and fined \$500.00 for his late appearance and being unprepared.

Mr. McLaughlin is fined \$1,000.00 for failing to appear as ordered.

Additionally, the court has scrutinized the complaint and inquired of defendant on the record as to (1) whether he contracted for the five boxes; (2) when they were turned in; and (3) what generally happened. He indicated that he had not lived in the house for fifteen (15) years before his wife (who occupied the house) died in May of 2002. The house was cleaned out and

some items put in storage. Among the items in storage were the five (5) boxes. When he got around to terminating utilities plaintiff demanded the return of the five boxes provided to the house by its predecessor. Some time after Mr. Slater turned the boxes in, he believes that to have occurred in the winter of 2002-2003, plaintiff claimed that three of the boxes were altered.

Comcast was told all of the above by Mr. Slater after it demanded \$3,000.00. He heard nothing further until after three years when he was sued. The phraseology of paragraphs 13 and 15 suggest that counsel and Comcast (1) have no evidence as to who modified the devices and (2) they knew that the three year statute of limitations had expired before the date of suit. Counsel and Comcast are ordered to show cause why they should not be sanctioned under Rule 11 of the Federal Rules of Civil Procedure:

(a) on or before September 29, 2006 they shall file all written evidence in support of the complaint, including but not limited to contracts for the devices, records of rental payments for service for the two years prior to termination, all records showing surrender of the devices and all records of examination;


(b) on or before September 29, 2006 Comcast, Attorney McLaughlin and Attorney Shapiro

shall each file a written explanation of why they should not be sanctioned or a statement of what a fair sanction should consist;

(c) a Rule 11 Sanction hearing will be held on October 11, 2006 at 2:00 p.m.

The outstanding fines are to be paid by September 29, 2006.

**SO ORDERED.**

  
James R. Muirhead  
United States Magistrate Judge

Date: September 18, 2006

cc: John M. McLaughlin, Esq.  
R. Peter Shapiro, Esq.  
Joseph F. Slater, Jr., *pro se*